



South Carolina House of Representatives

Legislative Update

Robert W. Harrell, Jr., Speaker of the House

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CONTENTS

HOUSE WEEK IN REVIEW	02
HOUSE COMMITTEE ACTION	04
BILLS INTRODUCED IN THE HOUSE THIS WEEK.....	06

NOTE: THESE SUMMARIES ARE PREPARED BY THE STAFF OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES AND ARE NOT THE EXPRESSION OF THE LEGISLATION'S SPONSOR(S) OR THE HOUSE OF REPRESENTATIVES. THEY ARE STRICTLY FOR THE INTERNAL USE AND BENEFIT OF MEMBERS OF THE HOUSE OF REPRESENTATIVES AND ARE NOT TO BE CONSTRUED BY A COURT OF LAW AS AN EXPRESSION OF LEGISLATIVE INTENT.

HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate **H.3003**, a bill establishing a **PHOTOGRAPH IDENTIFICATION REQUIREMENT FOR VOTING**. This legislation requires the State Elections Commission to implement a system for issuing voter registration cards with a photograph of the elector; this voter registration card may be used for voting purposes only. Under the legislation, when a person presents himself to vote, he shall produce a valid South Carolina driver's license, or other form of identification containing a photograph issued by the Department of Motor Vehicles (DMV), or a passport, or a military photo identification issued by the federal government, or a South Carolina voter registration card containing a photograph. The legislation requires one of the managers to compare the photograph contained on the required identification with the person presenting himself to vote and verify that the photograph is that of the person seeking to vote. If the elector cannot produce a valid South Carolina driver's license or other approved form of identification, the elector may cast a provisional ballot that is counted only if the elector brings a valid photo identification to the board of voter registration prior to certification by the county board of canvassers. If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the legislation establishes a process allowing the elector to cast a provisional ballot. The legislation provides an alternate process of affirming identity through completing an affidavit under penalty of perjury at the polling place and casting a provisional ballot in situations where an elector has a religious objection to being photographed or suffers from a reasonable impediment that prevents the elector from obtaining photograph identification. The State Election Commission is directed to create a list of all registered voters that do not have a form of identification with a photograph issued by the DMV. This list must be made available to registered voters upon request. The commission may charge a reasonable fee for the provision of the list in order to recover costs of producing the list. The DMV shall provide a list of persons issued identification with a photograph at no cost to the commission. The legislation requires the DMV to issue a special identification card to a person who is at least seventeen years old at no charge; currently, there is a fee for the issuance of this special identification card. The DMV may resume charging the fee once the State Election Commission certifies it has implemented statewide the issuance of voter registration cards with a photograph. Currently, the DMV may issue special identification cards to a person ten years or older; this bill allows DMV to issue special identification cards to a person five years of age or older. Among other duties, the legislation requires the executive director of the State Election Commission to enter into the master file a separate designation each for voters casting absentee ballots in a general election. If an elector loses or defaces his registration, he may obtain a duplicate notification from his county board of registration upon request. Also, the legislation includes factors to consider in determining a person's intention regarding domicile. The State Election Commission is required to establish a voter education program concerning the new provisions and to implement necessary accommodations to allow voting in each county to comply with the Help America Vote Act.

The House approved and sent to the Senate **H.3285**, a **PROPOSED STATE CONSTITUTIONAL AMENDMENT TO REQUIRE MORE EXTENSIVE ROLL CALL VOTES IN THE CONSIDERATION OF LEGISLATION BY THE GENERAL ASSEMBLY**. This legislation proposes to amend the State Constitution so as to require

the respective Houses of the General Assembly to conduct recorded roll call votes for the Annual General Appropriations Bill and certain other bills and joint resolutions whenever the pending question is adoption of a Conference Report or Free Conference Report, passage of a bill or joint resolution on second reading, either the House of Representatives or the Senate concurs or nonconcurs in the other body's amendment, or a bill or joint resolution is amended subsequent to second reading and the pending question is the passage of a bill or joint resolution on third reading. The proposed amendment must be submitted to the qualified electors at the next general election for representatives.

The House approved and sent to the Senate **H.3192**, a bill **EXEMPTING SCHOOL FACILITY CONSTRUCTION, RENOVATION AND REPAIR FROM DEVELOPMENT IMPACT FEES**. This bill exempts from impact fees authorized to be levied under the South Carolina Development Impact Fee Act construction of an elementary, middle, or secondary school facility, or replacing, renovating, or repairing an elementary, middle, or secondary school facility, designed and used primarily for the instruction of students. The legislation makes these provisions retroactive to July 1, 2008.

The House concurred in Senate amendments to **H.3278** and enrolled the joint resolution for ratification. The legislation provides that, until June 30, 2011, there are no restrictions on the **TYPES OF APPLICANTS OR ORGANIZATIONS THAT MAY APPLY FOR A SPECIAL FIFTEEN-DAY BEER AND WINE PERMIT** if the applicant meets all other requirements of law as determined by the Department of Revenue. The joint resolution is offered to provide a temporary and immediate correction until the General Assembly has an opportunity to approve a permanent law change to correct an inadvertent 2010 enactment restricting the issuance of special fifteen-day beer and wine sales permits to nonprofit organizations alone.

The House approved and sent to the Senate **H.3399**, a bill **EXPANDING THE CONCURRENT FEDERAL LAW ENFORCEMENT JURISDICTION OVER THE NATIONAL ADVOCACY CENTER** located on the Columbia campus of the University of South Carolina to include adjacent federally occupied property and to the Inn at USC and the Kirkland Apartment Building located on Pendleton Street in Columbia.

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture, Natural Resources, and Environmental Affairs Committee met on Tuesday, January 25, 2011; however the committee did not report out any bills.

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee met on Tuesday, January 25, and reported out four items.

The full committee gave a favorable recommendation to **H.3185**, the “**SOUTH CAROLINA HIGHER EDUCATION TRANSPARENCY ACT OF 2011**”. This legislation requires each public institution of higher learning to maintain a detailed transaction register of all funds expended each month and post that register online. The register must be searchable and updated once a month. The legislation outlines requirements for implementation and provides certain exceptions. Also, each public institution of higher learning must post online all of its monthly credit card statements and the credit card statements for credit cards issued to its officers and employees for official use. If the Comptroller General's office posts the same credit card information on its website, the institution may provide information on how to access its credit card information on the Comptroller General's website in lieu of complying with the these requirements.

H.3410, the “**SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011**,” also received a favorable report from the Education and Public Works Committee. This bill grants administrative relief to the state's public institutions of higher learning from certain legislatively required procedures. The administrative areas addressed in the bill include facilities and capital expenditures, leasing, real property transactions, financing and administration, procurement, legal counsel employment, fee waivers and tuition board actions.

H.3112 received a favorable with amendment recommendation. This bill pertains to **PLACARDS ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES FOR HANDICAPPED PARKING**. This legislation permits the user of the handicapped placard to cover the photograph; an exception is provided for requests by law enforcement agents to view the photograph.

The Education and Public Works Committee gave a favorable report to **H.3122**, which relates to the **DEPARTMENT OF MOTOR VEHICLES ISSUANCE OF SPECIAL PERMITS TO MOVE VEHICLES** during an emergency. This bill expands the use of these permits. This bill deletes the term “move” and replaces it with the term “operate”. The bill deletes the provision that restricts the issuance of the permits to emergency situations, removes the restriction placed on the number of permits that may be issued for a vehicle, and revises the information that must be specified on the permit.

JUDICIARY

The Judiciary Committee met on Tuesday, January 25, and reported out two items. **H.3295**, which allows certain **HOMEOWNERS ASSOCIATIONS TO OBTAIN A LICENSE TO SELL ALCOHOLIC LIQUORS BY THE DRINK**, received a favorable

report from the full committee. Specifically, this legislation allows a homeowner's association, chartered as a nonprofit organization by the Secretary of State, whose membership is limited to individuals who own property in the residential community and whose affairs are governed by a board of directors elected by the membership, to be eligible for a license to sell alcoholic liquors by the drink. No member, officer, agent, or employee of the association may be paid a salary or other form of compensation from any of the profit of the sale of alcoholic beverages, except as may be voted on at a meeting of the governing body nor shall the salaries or compensation be in excess of reasonable compensation for the services actually performed. Upon dissolution of the homeowner's association, the remaining assets, if any, may be distributed to its members.

The Judiciary Committee gave a favorable with amendment recommendation to **H.3095**, pertaining to **TRANSFER FEE COVENANTS**. The bill provides definitions related to transfer fee covenants, and it includes certain findings related to transfer fee covenants. The bill further provides a transfer fee covenant recorded after the effective date of this legislation, or any lien to the extent that it purports to secure the payment of a transfer fee, is not binding on or enforceable against the affected real property or any subsequent owner, purchaser, or mortgagee of any interest in the property. Nothing in this legislation may imply that a transfer fee covenant recorded before the effective date of this legislation is valid or enforceable.

LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee did not meet this week.

WAYS AND MEANS

The full committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3422 SCOUTS Rep. White

A person who has attained the Boy Scouts of America rank of Eagle Scout or has received the Girl Scouts USA Gold Award is not required to obtain a license to hunt or fish throughout this state during his or her lifetime.

H.3423 FISHING OR HUNTING ON FATHER'S DAY Rep. White

This bill adds that a person is not required to possess a license to hunt or fish during Father's Day weekend or the three days that follow Thanksgiving.

H.3430 HUNTER'S EDUCATION PROGRAM Rep. G. M. Smith

Current law requires the completion of the Hunter's Education Program prior to being eligible to receive a South Carolina Hunting license. This bill outlines that this provision does not apply to resident active duty, honorably discharged, or retired members of the United States Armed Services who can demonstrate to the department that they successfully have completed rifle marksmanship training during their military career. Persons must apply at a South Carolina Department of Natural Resources regional office or a designated military base for this exemption.

H.3440 SEA GRANT CONSORTIUM Rep. Crawford

This bill makes the South Carolina Sea Grant Consortium a division of the South Carolina Department of Natural Resources. The bill further gives the Department of Natural Resources director the authority to employ a consortium director.

H.3467 CLEANING AGENTS CONTAINING PHOSPHATES Rep. Loftis

This bill adds commercial and household laundry and household dishwashing detergents to the cleaning products included in the restriction on phosphates.

H.3468 DEPARTMENT OF PARKS, RECREATION AND TOURISM Rep. Pitts

Currently, the Department of Parks, Recreation and Tourism has authority of all state parks. This bill transfers the authority of all parks belonging to the state to the Department of Natural Resources.

H.3470 USE, SALE, OR MANUFACTURE OF CLEANING AGENTS CONTAINING PHOSPHATES Rep. Pitts

The bill adds household dishwashing detergent to the cleaning products included in the restriction on phosphates. The provision does not restrict sale by a retailer of a household dishwashing detergent product from inventory existing and in stock at the retailer on July 1, 2011.

H.3478 PETROLEUM PRODUCTS Rep. Young

This bill provides that the requirements relating to petroleum products and diesel fuel suitable for blending for sale of unblended products without necessary additives, recordkeeping and registration, enforcement, wholesaler responsibility, liability and notice, applies to every terminal operator and every supplier in the state.

H.3503 HUNTING LICENSES Rep. Pitts

The Department of Natural Resources shall give preference to licensed resident hunters over licensed nonresident hunters when issuing its special permits for hunting in category one designated waterfowl areas through its annual computerized draw.

H.3510 SPECIAL HUNTING PERMITS Rep. Pitts

The Department of Natural Resources shall allow the substitution of a member of a party that has obtained a special permit to hunt in a category one designated waterfowl area through the department's annual computerized draw when a member of the party is unable to hunt due to their death or terminal illness.

EDUCATION AND PUBLIC WORKS

H.3410 "SOUTH CAROLINA HIGHER EDUCATION EFFICIENCY AND ADMINISTRATIVE POLICIES ACT OF 2011" Rep. Owens

This bill grants administrative relief to the state's public institutions of higher learning from certain legislatively required procedures. The administrative areas addressed in the bill include facilities and capital expenditures, leasing, real property transactions, financing and administration, procurement, legal counsel employment, fee waivers and tuition board actions.

H.3418 TERM LIMITATIONS FOR MEMBERS OF THE GOVERNING BOARD OF AN INSTITUTION OF HIGHER LEARNING Rep. Merrill

This legislation prohibits a member of the governing board of an institution of higher learning from serving more than three consecutive terms on the board.

H.3431 "JOHN'S LAW"- RAILROAD CROSSINGS Rep. G. M. Smith

This legislation requires the Department of Transportation to (1) publish its list of railroad crossings at which it plans to install crossing arms, (2) place traffic stop signs at dangerous crossing locations until crossing arms are installed, and (3) increase the number of installations of crossing arms at dangerous railroad crossings.

H.3437 CONSOLIDATION OF THE EDUCATIONAL TELEVISION COMMISSION WITH THE DEPARTMENT OF EDUCATION Rep. Crawford

This legislation dissolves the Board of the South Carolina Educational Television Commission and organizes the commission as a division of the Department of Education. The legislation also makes conforming changes.

H.3495 STUDY COMMITTEE TO STUDY THE FEASIBILITY AND COST EFFECTIVENESS OF CONSOLIDATING SCHOOL DISTRICTS WITHIN THE INDIVIDUAL COUNTIES OF THIS STATE Rep. Alexander

This legislation creates a study committee to study the feasibility and cost effectiveness of consolidating the school districts within the individual counties of this State. In making its determinations, the study committee shall consider potential savings that may occur from the centralization of the administrative and programmatic functions of the several districts. The legislation outlines membership of the committee and provides that the committee shall report its findings to the General Assembly by January 31, 2012, at which time the committee will be abolished.

H.3496 NOTIFICATION REQUIREMENTS IF A STUDENT HAS AIDS OR HIV Rep. Brady

This legislation deletes the provision requiring the Department of Health and Environmental Control to notify the school district superintendent and school nurse if a minor is attending a school in the district and has Acquired Immunodeficiency Syndrome

(AIDS) or is infected with the Human Immunodeficiency Virus (HIV). This legislation requires each school district to adopt the Centers for Disease Control and Prevention recommendations on universal precautions for bloodborne disease exposure.

H.3497 WILSON HIGH SCHOOL ALUMNI ASSOCIATION SPECIAL LICENSE PLATES Rep. Alexander

This legislation authorizes the Department of Motor Vehicles to issue Wilson High School Alumni Association special license plates.

H.3502 CENTRALIZED PROCUREMENT, PERSONNEL AND FINANCIAL MATTERS FOR COUNTIES WITH MORE THAN ONE SCHOOL DISTRICT Rep. Bowen

If a county is comprised of more than one school district, this legislation provides that the school districts within that county must collaboratively develop and implement a plan to centralize all procurement, personnel, and financial matters into one county office. A county may not have multiple offices to oversee these operations. Each county office must have no more than one administrator to supervise a staff of no more than ten people. If the school districts within a county fail to implement the provisions of this section by July 1, 2012, the State Superintendent of Education shall appoint an administrator and staff to centralize these operations.

H.3511 TOURISM-ORIENTED SIGNAGE PROGRAM Rep. Loftis

This legislation authorizes the Department of Transportation to create and supervise a statewide program related to providing directional signs along major highways and interchanges leading to tourism-oriented facilities engaged in educational or tourism activities.

JUDICIARY

H.3411 "SOUTH CAROLINA CHIEF INFORMATION OFFICER RESTRUCTURING ACT" Rep. Loftis

The stated intent of this legislation is to create an instrumentality that provides leadership and direction for the use of information technology within government in South Carolina. The legislation creates the Department of the State Chief Information Officer to be headed by the State Chief Information Officer who is appointed by the Governor with the advice and consent of the Senate. The State Chief Information Officer serves at the pleasure of the Governor. Among other things, the legislation provides for the powers, duties, and functions of the department.

H.3412 "STATE DEPARTMENT OF ENERGY RESTRUCTURING ACT" Rep. Loftis

This legislation establishes the State Department of Energy to be headed by the State Energy Director who is appointed by the Governor with the advice and consent of the Senate. The State Energy Director serves at the pleasure of the Governor. Among other things, the legislation provides for the powers, duties, and functions of the department. The legislation also repeals provisions relating to the State Energy Office.

H.3417 SPECIAL PURPOSE OR PUBLIC SERVICE DISTRICTS Rep. Funderburk

Relating to the authority to establish special purpose or public service districts, this legislation includes the provision of emergency medical and rescue response services as an authorized purpose for which a special purpose or public service district may be established.

**H.3421 CONSOLIDATION OF THE DEPARTMENT OF ALCOHOL AND
OTHER DRUG ABUSE SERVICES WITH THE DEPARTMENT OF
MENTAL HEALTH Rep. White**

Among other things, effective July 1, 2011, this legislation provides that the Department of Alcohol and Other Drug Abuse Services is incorporated into and must be administered as a division of the Department of Mental Health.

H.3424 REVISIONS PERTAINING TO FIREFIGHTERS Rep. Gilliard

Relating to the presumption that certain diseases sustained by a firefighter are occupational diseases for the purposes of Workers Compensation, this legislation provides that certain additional medical conditions also must be presumed to be occupational diseases for the purposes of Workers Compensation. This legislation deletes a minimum age requirement and deletes a requirement that eligibility for this presumption be conditioned upon the medical condition having developed while the firefighter was actively engaged in firefighting or within twenty-four hours from the last date he engaged in firefighting. The legislation further provides that a person is considered to have passed the requisite physical examination if the fire department fails to require or obtain this examination upon his entry of service. A firefighter with ten years of service as a firefighter who sustains an impairment or injury caused by cancer resulting in disability or death is entitled to the presumption that this disability or death arose from and in the course of his employment as a firefighter, unless the presumption is rebutted by competent evidence. In order to be entitled to this particular presumption, a person when becoming a member of a fire department must have successfully passed a physical examination by a licensed physician. This physician must prepare a written report of this examination and indicate in the report that the examination revealed no evidence of cancer or impairment by cancer, and this report must be filed with the fire department of which the person is a member. If a fire department employer fails to require or obtain this physical examination when the person enters service with it, the person is considered to have successfully passed this examination.

**H.3427 PROHIBITION ON SMOKING WHILE CERTAIN CHILDREN ARE
IN A MOTOR VEHICLE Rep. Clyburn**

This legislation provides that it is unlawful for a driver or occupant of a private or public passenger motor vehicle to smoke a tobacco product while a child of preschool age is also an occupant of the motor vehicle. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 dollars or imprisoned for not more than ten days.

H.3438 LIENS FOR REPAIR OR STORAGE Rep. G. M. Smith

Relating to liens for repair or storage, this legislation excludes from these liens the contents of a towed, stored, or repaired motor vehicle, trailer, mobile home, watercraft, or other item or object subject to towing, storage, or repair.

**H.3439 CONSOLIDATION OF THE PROSECUTION COORDINATION
COMMISSION WITH THE OFFICE OF THE ATTORNEY GENERAL**

Rep. Crawford

Among other things, this legislation makes the Prosecution Coordination Commission a division within the Office of the Attorney General. In the discretion of the Attorney General, the division may be assisted in an advisory capacity by a board.

H.3443 CITATIONS FOR SPEEDING OR TRAFFIC CONTROL DEVICE VIOLATIONS Rep. Erickson

This legislation provides that citations for violating traffic laws relating to speeding or traffic control devices may be based on a combination of photographic and radar evidence. A citation issued based in part on photographic evidence requires the presence of a law enforcement officer at the time the evidence is obtained. Citations may be subsequently served by registered mail. Relating to the suspension of certain vehicle requirements during a state of emergency, this legislation deletes the provision that allows the issuance of citations for violating traffic laws relating to speeding or disregarding traffic control devices based solely on photographic evidence.

H.3446 REVISIONS TO THE UNIFORM PRINCIPLE AND INCOME ACT Rep. Harrison

This legislation revises the Uniform Principle and Income Act. This legislation outlines a process to determine the allocation of a payment made from a separate fund to certain trusts. The legislation also provides the source of funds that must pay for a tax on a trust's share of the taxable income of the entity.

H.3448 ENFORCEMENT OF RENT COLLECTION BY WAGE GARNISHMENT Rep. R. L. Brown

This legislation allows a landlord to obtain judgment to enforce collection of rent by garnishment of the wages of a tenant.

H.3450 ESTABLISHMENT OF NEW OFFENSES RELATING TO STEALING MERCHANDISE FROM A MERCHANT AND RETAIL THEFT Rep. Harrison

This legislation creates an offense relating to stealing certain merchandise from a merchant (changing price codes, exiting a store with merchandise, and tampering with antishoplifting or inventory control devices) and provides a criminal penalty. This legislation also creates an offense relating to retail theft and provides a criminal penalty. Relating to receiving stolen goods, this legislation includes receiving or possessing stolen goods when the person is on notice by law enforcement that the goods are stolen.

H.3469 CONSOLIDATION OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES WITH THE DEPARTMENT OF CORRECTIONS Rep. Pitts

This legislation transfers all functions, powers, duties, responsibilities and authority statutorily exercised by the Department of Probation, Parole and Pardon Services to the Department of Corrections, Division of Probation, Parole and Pardon Services.

H.3477 "MEDICAL MALPRACTICE EXPERT TESTIMONY ACT OF 2011" Rep. G. R. Smith

This legislation deletes existing language concerning the licensure of an expert medical witness and the ability of the Board of Medical Examiners to waive a related fee. Under

the legislation, an individual not licensed to practice medicine in South Carolina who provides expert medical witness testimony in an administrative, civil, or criminal proceeding in this State must be subject to the jurisdiction of the Board of Medical Examiners as if fully licensed as a medical expert witness.

H.3480 ELIGIBILITY FOR A FORMER MEMBER OF THE GENERAL ASSEMBLY TO BE ELECTED TO AN ADMINISTRATIVE LAW JUDGE POSITION Rep. Stavrinakis

The legislation provides that a member of the General Assembly must not be elected to an Administrative Law Judge position for a period of one year after leaving office. This replaces the current four-year prohibition.

H.3483 ELECTION OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE Rep. Stavrinakis

Currently, the Director of the Department of Insurance is appointed by the Governor upon the advice and consent of the Senate. This bill provides for the election of the Director of the Department of Insurance by the qualified electors in the general election. Among other things, the legislation sets forth certain qualifications for the director and makes various other changes to conform to having the director elected rather than appointed.

H.3489 PROHIBITION ON LOBBYISTS' PRINCIPALS Rep. H. B. Brown

This legislation prohibits lobbyists' principals from offering, making, or facilitating a campaign contribution to a member of the General Assembly or a statewide constitutional officer from December thirty-first through June first of the calendar year immediately following.

H.3490 FOREIGN LAW Rep. Nanney

This legislation prevents a court or other enforcement authority from enforcing foreign law in this State from a forum outside of the United States or its territories under certain circumstances.

H.3491 INCREASED PENALIES FOR HOMICIDE BY CHILD ABUSE Rep. Sandifer

Relating to the offense of homicide by child abuse, this bill increases the penalty to life without parole or death if the State seeks the death penalty for murder.

H.3492 ECONOMIC DISCLOSURES BY MEMBERS OF THE GENERAL ASSEMBLY Rep. Cobb-Hunter

This legislation requires a member of the General Assembly who in any way derives or recognizes any income, profit, or other direct monetary benefit as a result of the provisions of the federal Patient Protection and Affordable Care Act (PPACA) to disclose this fact and this amount on his or her annual Statement of Economic Interest filed with the House or Senate Ethics Committee. A member of the General Assembly who violates these provisions, in addition to all other penalties provided by law, is guilty of a misdemeanor and, upon conviction, must be fined not more than \$1,000 dollars or imprisoned not more than one year, or both.

H.3498 COURT INTERPRETATION OF CONTRACTS ISSUED TO CONSTRUCTION PROFESSIONALS Rep. Herbkersman

This legislation provides that the courts of South Carolina shall consider certain public policy limitations and interpretations in language in past, present, and future contracts issued to construction professionals.

LABOR, COMMERCE AND INDUSTRY

H.3413 SOUTH CAROLINA HEALTH INFORMATION EXCHANGE

Rep. Sandifer

This bill establishes the South Carolina Health Information Exchange (SCHIEX), as the state's exchange for facilitating the electronic movement of patient records and other health-related information in keeping with the provisions of the federal Health Information Technology for Economic and Clinical Health Act of 2009, also known as HITECH. The legislation establishes provisions for the operation of the exchange and creates the South Carolina Health Information Exchange Council as its governing body.

H.3414 CAPTIVE INSURANCE COMPANIES AND PROTECTED CELLS

Rep. Sandifer

This bill revises provisions related to the formation, operation, and solvency of captive insurance companies and protected cells of insured risks.

H.3425 AUCTIONEER SURETY BOND REQUIREMENT Rep. Bales

This bill requires a person seeking licensure as an auctioneer to deposit and maintain a bond executed by an authorized surety company. The legislation provides a licensed auctioneer may conduct no auction in which the total value of the opening bids for the items to be auctioned exceeds one-fifth the value of the bond posted by the licensee.

H.3442 SELF-DIRECTED SEMI-INDEPENDENT AGENCY PILOT PROJECT

Rep. Erickson

This joint resolution establishes the Self-Directed Semi-Independent Agency Pilot Project so as to authorize a degree of autonomy with regard to fiscal, regulatory, and operational responsibilities for certain professional and occupational licensing boards currently housed within the Department of Labor, Licensing and Regulation. The provisions of the joint resolution are to take effect as of June 30, 2011, are to be repealed as of September 1, 2015, unless extended by the General Assembly.

H.3449 LIABILITY INSURANCE COVERING CONSTRUCTION

PROFESSIONALS Rep. Herbkersman

This bill provides that a liability insurance policy issued by an insurer and covering a construction professional in this state must be broadly construed in favor of coverage. The legislation provides that work of a construction professional resulting in property damage in certain circumstances constitutes an occurrence as commonly defined in liability insurance rather than the intended or expected consequence of the work of the construction professional.

H.3473 SALE AND SERVICE OF HEATING, VENTILATION, OR AIR CONDITIONING EQUIPMENT Rep. Sandifer

This bill places restrictions on the sale of heating, ventilation, or air conditioning equipment. The legislation imposes record keeping requirements on a supplier or distributor of heating, ventilation, or air conditioning equipment and provides that these

records must be open to inspection by the Department of Labor, Licensing and Regulation or its designee. The legislation provides that the service of installing heating, ventilation, or air conditioning equipment must be performed in compliance with applicable building codes and other specific requirements. Penalties are provided for violations.

H.3474 COMMERCIAL AND RESIDENTIAL BUILDING CODES COUNCILS

Rep. Sandifer

This bill revises provisions relating to the South Carolina Building Codes Council so as to separate the council into the South Carolina Commercial Building Codes Council and the South Carolina Residential Building Codes Council. The legislation revises code variations based on physical or climatological conditions, so as to include geological conditions as a consideration for a variance.

H.3481 REQUIREMENT TO RELEASE INSURANCE RATE INCREASE DATA

Rep. Stavrinakis

This bill imposes an affirmative duty on the director of the Department of Insurance or his designee, a rating bureau, or an insurer involved with an insurance rate increase to release data on which the increase is based. The legislation provides that the rate increase may not become effective until this duty is satisfied.

**H.3485 INSURERS PROHIBITED FROM RESTRICTING COVERAGE
BECAUSE**

OF A CRIME VICTIM'S INJURIES Rep. Stavrinakis

This bill prohibits a company issuing an accident and health insurance policy from denying or limiting coverage to an insured because of a preexisting condition which results from an injury or condition sustained by a victim as a result of a criminal act.

H.3508 GOVERNMENT-OWNED COMMUNICATIONS SERVICE PROVIDERS

Rep. Gambrell

This bill establishes provisions authorizing a government-owned communications service provider to petition the Public Service Commission to designate one or more areas as an "unserved area". The legislation provides for the application of certain provisions of law to an unserved area and establishes a process for petitioning for a determination that an area has ceased to be an unserved area. The legislation affords the Public Service Commission Office of Regulatory Staff jurisdiction to investigate the compliance of a government-owned communications provider with these provisions. The legislation provides that the Public Service Commission may enforce the compliance of a government-owned communications service provider with these provisions. The legislation clarifies that these provisions do not expand or limit the jurisdiction of the Commission or Office of Regulatory Staff with respect to any service provider other than a government-owned communications service provider

**H.3509 INSURERS PROHIBITED FROM MAKING DIRECT PAYMENTS TO
INSURED FOR HEALTH CARE SERVICES Rep. Long**

This bill provides that a licensed accident and health insurer may not make a payment of money directly to an insured for a health care service received by the insured. The restriction does not apply to: (1) supplemental or secondary insurance coverage; or (2) a person who documents to the insurer that he has fully paid the health care provider for the service rendered.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3493 ORGAN TRANSPLANT Rep. Gilliard

This joint resolution prohibits the Department of Health and Human Services from restricting its current coverage of organ transplants under the Medicaid program.

WAYS AND MEANS

S.6 RATIFICATION OF THE STATE CONSTITUTIONAL AMENDMENT ENHANCING THE RESERVE FUNDS Sen. Leatherman

This bill provides for the ratification of the amendment to the South Carolina Constitution approved by voters at the last general election to increase the holdings requirement of the General Reserve Fund and revise the use of the Capital Reserve Fund.

H.3419 "TAXPAYER FAIRNESS ACT" Rep. Merrill

This bill enacts the "Taxpayer Fairness Act" to establish new requirements for the interpretation of tax statutes by the South Carolina Department of Revenue. The legislation specifies that terms in the state's tax statutes may not be given broader meaning than intended by policy documents and regulations of the Department of Revenue and provides that ambiguity in tax statutes must be resolved in favor of the taxpayer. The legislation requires the Department of Revenue to report ambiguities to the Governor, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the respective Chairmen of the Senate Finance Committee and the House Ways and Means Committee.

H.3428 MANUFACTURING, UTILITY, AND MINING PROPERTY TAX REDUCTION Rep. H. B. Brown

This bill revises the classification of property and the applicable assessment ratios for the imposition of property taxes, so as to reduce the assessment ratio on manufacturing, utility, and mining real and personal property from ten and one-half percent of value to six percent of value.

H.3429 OUT-OF-STATE TUITION RATES AT PUBLIC INSTITUTIONS OF HIGHER LEARNING Rep. Merrill

This bill provides that a student who is not domiciled in South Carolina and who has not been granted an out-of-state tuition rate waiver shall commit to paying the out-of-state tuition rate for four years before he may be accepted to a public institution of higher learning.

H.3435 "SEVENTY-TWO HOUR BUDGET REVIEW ACT" Rep. Hamilton

This bill enacts the "Seventy-Two Hour Budget Review Act" to establish strict time limits during which versions of appropriations bills and revenue raising bills and amendments must be publicly available before legislative consideration and times when votes on these bills are to be taken in the General Assembly. The legislation establishes provisions allowing these time limits to be waived by a two-thirds vote of a legislative body.

H.3456 OTHER FUNDS OVERSIGHT COMMITTEE Rep. White

This bill creates the Other Funds Oversight Committee to review and examine the source of other funds in this state and to make recommendations to the General Assembly. The legislation establishes the membership of the committee, provides that all agencies must cooperate with the committee, and requires the State Budget Office to notify the committee of any request for an increase in interim budget authorization.

H.3472 MUNICIPAL OR COUNTY BUSINESS LICENSE APPEALS, PROTESTS, AND REFUNDS Rep. Sandifer

This bill establishes a protest, appeals, and refund process for business license tax assessments imposed by counties or municipalities. The legislation provides that the South Carolina Revenue Procedures Act is also intended to resolve disputes concerning business license tax assessments.

H.3482 SALES TAX EXEMPTION FOR RENEWABLE ENERGY MACHINERY Rep. Stavrinakis

This bill establishes a sales tax exemption for machinery and machine tools, or part of them, used in the production of electricity from a renewable source such as solar, wind, tides, geothermal, and biomass.

H.3484 "SOUTH CAROLINA CLASSROOM PRIORITY ACT" Rep. Stavrinakis

This bill enacts the "South Carolina Classroom Priority Act" to provide that at least sixty-five percent of the education operational expenditures of each school district must be used for classroom instructional expenditures. The legislation requires each school district to submit its proposed budget to the State Superintendent of Education with the actual percentage of its education operational expenditures used for classroom instruction. The legislation establishes provisions for a waiver. The legislation authorizes the governing body in a county to amend the fiscal year budget of a school district within the county upon a finding by the State Superintendent of Education that a school district has demonstrated blatant disregard for these requirements. The legislation provides that the State Superintendent of Education shall develop model plans and the State Board of Education shall promulgate regulations to aid in the implementation of these requirements.

H.3486 "STATE AGENCY DEFICIT PREVENTION AND RECOGNITION ACT" Rep. Parker

This bill enacts the "State Agency Deficit Prevention and Recognition Act" to provide that a state agency, department, or institution may not operate in a manner that results in a year-end deficit unless the deficit is recognized by the General Assembly. The legislation provides for the manner in which the General Assembly may recognize a deficit. The legislation provides that an officer or employee of this state may not make or authorize an expenditure or obligation exceeding the amount available in an existing state appropriation. The legislation establishes exceptions and penalties. The legislation eliminates the Budget and Control Board's authority to recognize an agency deficit.

H.3487 STATE OFFICERS AND EMPLOYEES PROHIBITED FROM AUTHORIZING OBLIGATIONS THAT EXCEED AVAILABLE FUNDS Rep. Parker

This bill prohibits a state officer or employee from authorizing an expenditure or obligation or involving the state in a contract or obligation without appropriated funds to pay the expenditure or obligation. The legislation prohibits a state officer or employee from making or authorizing an expenditure or obligation exceeding funds available in a quarterly allocation program. The legislation prohibits a state officer or employee from employing personal services exceeding those authorized by law. Exceptions are provided. The legislation establishes employment-related penalties for violations and provides that these penalties are in addition to, and not in lieu of, any other administrative or criminal penalties.

H.3488 SALES AND USE TAX REVISIONS Rep. Bingham

This bill eliminates the phase in requirements in provisions authorizing the sales tax exemption for durable medical equipment. The legislation revises sales and use tax provisions, so as to provide further for those instances where sales and use tax applies in connection with warranties and service maintenance contracts sold in connection with the sale of tangible personal property.

H.3499 STATE LOTTERY APPROPRIATIONS MUST BE REFLECTED IN THE BUDGETS OF PUBLIC INSTITUTIONS OF HIGHER LEARNING Rep. Merrill

This bill provides that appropriations made to a public institution of higher learning from the Lottery Expenditure Account must be reflected in its budget.

H.3500 PAID ADMINISTRATIVE LEAVE FOR LOCAL LAW ENFORCEMENT OFFICERS INJURED IN THE LINE OF DUTY Rep. Pitts

This bill provides that political subdivisions of this state employing full-time law enforcement officers shall grant a total of at least one hundred eighty days of paid administrative leave for an officer who suffers bodily injury when physically attacked while in the performance of official duties. The legislation provides that this paid administrative leave applies before the officer is required to use any sick leave.

H.3501 PAYROLL DEDUCTION FOR DUES OF THE SOUTH CAROLINA FRATERNAL ORDER OF POLICE Rep. Pitts

This bill revises provisions authorizing a payroll deduction for dues of the State Employees' Association and the South Carolina Troopers' Association, so as to also authorize a payroll deduction for dues of the South Carolina Fraternal Order of Police.

H.3504 REDUCTION IN THE COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY Rep. H. B. Brown

This joint resolution provides that, beginning with fiscal year 2011 and continuing for two fiscal years thereafter, the compensation of all members of the General Assembly must be reduced by twenty-five percent. The reduction includes remuneration a legislator receives for serving during a session of the General Assembly and does not include mileage, subsistence, or in-district allowances.

H.3505 REDUCTION IN THE COMPENSATION OF STATEWIDE ELECTED OFFICIALS AND AGENCY HEADS Rep. H. B. Brown

This joint resolution provides that, beginning with fiscal year 2011 and continuing for two fiscal years thereafter, the compensation of all public officials elected statewide or who discharge statewide responsibilities, including the heads of all executive cabinet agencies, must be reduced by twenty-five percent. This reduction does not apply to

justices or judges in the state court system and statewide constitutional officers whose compensation may not be reduced during their term of office.

H.3506 TAX CREDIT REVISIONS Rep. Loftis

This bill revises provisions relating to the job tax credit, so as to revise the definition of a "technology intensive facility." The legislation revises provisions relating to the tax credit for infrastructure improvements for water, wastewater, hydrogen fuel, sewer, gas, steam, electric energy, and communication services, so as to include certain site preparation costs within the definition of infrastructure improvements which give rise to the credit. The legislation revises provisions for fees in lieu of taxes arrangements, so as to revise the definition of "termination date".

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